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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,211	07/23/2001	Jerlyn R. Culp	10010029-1	4896

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

WALLERSON, MARK E

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,211	CULP ET AL.	
	Examiner	Art Unit	
	Mark E. Wallerson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3,5-8,11-18,21-26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3,5-8,11-18,21-26 and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/23/01, 2/26/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2626

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **12/20/2005**.
2. This application has been reconsidered. Claims 1-3, 5-8, 11-18, 21-26, and 28-36 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 31, 32, 33, 34, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wellner (U.S. 5,640,193).

With respect to claims 31 and 36, Wellner discloses an apparatus comprising a set-top device (15) for use with a television (16) (column 3, lines 21-23); an Internet receiver in the set-top device (column 3, lines 24-34) a scanner (11 or 18) received in the set-top device (figure 2), the scanner to scan an object and produce an image of the object (column 2, lines 47-56), and a user interface to enable user selection of a setting for communicating the image over a network without using a computer (column 3, lines 24-45).

With respect to claim 32, Wellner discloses sending e-mail (column 4, lines 1-6).

With regard to claim 33, Wellner discloses sending the image to a web page (server) (column 5, lines 28-60).

Art Unit: 2626

With respect to claim 34, Wellner discloses editing the image (column 2, lines 56-65).

With regard to claim 35, Wellner discloses the object is a photograph (column 2, lines 29-34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Czyszczewski et al (U.S. 6,577,907) in view of Aas (U.S. 6,704,462).

With respect to claims 1, 6 and 24, Czyszczewski discloses detecting an image to be scanned by a scanner (20) associated with an Internet receiver (25) (column 6, lines 29-49); scanning the object to produce an image of the object (column 8, lines 40-67) and transmitting it via an internet receiver (25) (column 7, lines 26-40) by automatically detecting the image (column 7, lines 12-25); automatically acquiring the image in electronic format (column 8, lines 40-67), and performing by the Internet receiver at least one function with said image (forwarding or storing) in said electronic format via said Internet receiver (column 7, lines 26-47).

Czyszczewski differs from claim 1 in that he does not clearly disclose acquiring a final scan by the scanner after performing the function.

Art Unit: 2626

Aas discloses performing a final scan of an image after an initial scan is performed (column 4, lines 25-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Czyszczewski wherein a final scan is performed after the initial scan. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Czyszczewski by the teaching of Aas in order to attain a high scanning resolution as disclosed by Aas in column 4, lines 25-35.

Further with respect to claim 6, Czyszczewski discloses that the Internet receiver (25) comprises a bay in which the scanner is insertable (which reads on the Internet receiver (25) being integrated with the scanner and that the scanner may be replaceable) (column 5, lines 40-50)

With regard to claims 2 and 3, Czyszczewski discloses performing the at least one function comprises automatically performing at least one pre-selected function (storing) (column 7, lines 26-40).

With respect to claims 5 and 17, Czyszczewski discloses performing a final scan after performing at least one function (editing) and displaying the image (column 7, lines 41-47 and column 8, lines 40-67).

With regard to claims 7 and 8, Czyszczewski discloses the scanner is linked to the Internet receiver via a unidirectional or bidirectional link (30 and column 5, lines 51-57).

With regard to claim 11, Czyszczewski discloses code for automatically setting-up the scanner for operation via the Internet receiver (column 6, lines 21-49).

With respect to claims 12, 13, 14, and 18, Czyszczewski discloses part of the computer readable program code is downloaded to the Internet receiver from a network site on an as-needed basis (column 6, lines 35-49).

Art Unit: 2626

With regard to claim 15, Czyszczewski discloses manually selecting the function (column 7, lines 26-33).

With respect to claim 16, Czyszczewski discloses editing the image (column 7, lines 47-65 and column 8, lines 43-67).

With regard to claims 21 and 22, Czyszczewski discloses editing the image (which reads on processing the scanned data) (column 7, lines 47-65 and column 8, lines 43-67).

With respect to claims 23, 29, and 30, Czyszczewski discloses scanning a photograph (column 5, lines 30-40).

With regard to claim 25, Czyszczewski discloses performing manual configuration of the scanner (column 7, lines 12-25).

With respect to claim 26, Czyszczewski discloses receiving personal information of a user (column 7, lines 12-25).

With regard to claims 28 and 36, Czyszczewski discloses the Internet receiver (25) comprises a bay in which the scanner is insertable by a user (25B, figure 3).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 6, and 31 have been considered but are moot in view of the new ground(s) of rejection.

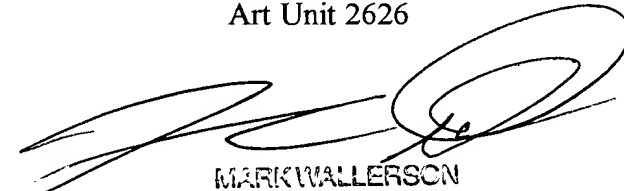
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (571) 272-7470. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson
Primary Examiner
Art Unit 2626



MARK WALLERSON
PRIMARY EXAMINER